Government’s rights report to UN highlights challenges and progress

Niem Chheng | Publication date 15 February 2021 | 08:52 ICT

An Sokkhoeurn, the Permanent Mission of the Kingdom of Cambodia to the UN Office in Geneva.

The Permanent Mission of the Kingdom of Cambodia to the UN Office in Geneva has submitted a report titled *Cambodia Human Rights Situation II* that details wide-ranging aspects of human rights from challenges to progress in the country.
The 15-page document was submitted to the UN on February 9 for the 46th Session of the Human Rights Council that is set to take place from February 22 to March 23 of this year.

According to a statement from the permanent mission, the document is intended to be a well-informed and fair picture of Cambodia’s human rights situation that will provide assurances to the international community that the government remains resolute in pursuit of its obligations and in its commitment to the stewardship of the welfare and human rights of Cambodian citizens.

“The United Nations Secretary-General Antonio Guterres has emphasised repeatedly that we cannot pick and choose which of the human rights should be supported. Regrettably, assessments of the situation of human rights in Cambodia [by UN rights officials] often deviate from the Secretary-General’s approach and are carried out in a selective, speculative and incomplete fashion,” the permanent mission stated.

Regarding cooperation with the UN’s human rights mechanisms, the permanent mission states that Cambodia has accepted six human rights Special Rapporteurs since 1993 and that
the Office of the High Commissioner for Human Rights (OHCHR) has enjoyed productive cooperation with Cambodia as their office here has become the longest tenured UN office currently established in the world.

Cambodia also welcomes visits from thematic rapporteurs, with Victor Madrigal-Borloz – the independent expert on protection against violence and discrimination based on sexual orientation and gender identity – arriving in Cambodia later this year.

The Kingdom is currently drafting a law to form an independent national human rights institution. The draft law, which has seven chapters and 27 articles, is currently being prepared by the Cambodian Human Rights Committee (CHRC). It has been shared with relevant UN bodies, foreign embassies and civil society organisations for their input.

The permanent mission notes that Cambodia has “vibrant media freedom” with nearly 2,000 traditional and digital media outlets operating without censorship, including foreign government-funded radio channels.

However, the permanent mission also stipulates that “freedom of expression must not be extended to allow the freedom to spread fake news, to defame others, to incite hatred and violence or to inflame an uprising against a legitimate government”, citing the example of former opposition leader Sam Rainsy, who allegedly insulted the King, defamed Cambodia’s political leadership and attempted to incite a military coup to overthrow the legitimate government.

The permanent mission reports that Cambodia’s civic space was not shrinking despite what has been reported by others. The Kingdom is home to 5,734 registered civil society organisations (CSOs) that play a role in the betterment of good governance; social accountability; the judicial system; protection of the environment; human rights; and economic development.

The mission also noted that the Law on Associations and NGOs (Lango) promulgated in August 2015 was not unduly restrictive given that more than 1,000 NGOs have been registered since then. The Kingdom also has 5,484 registered trade unions operating as of December 2020.

“Cambodia is the only country in the region that raised its minimum wage at the height of the Covid-19 pandemic. This pay raise was unanimously adopted by the National Council for Minimum Wages, which is the nation’s tripartite mechanism for setting the minimum wage,” the statement said.

Chak Sopheap, executive director of the Cambodian Centre for Human Rights, said the human rights situation in Cambodia in 2020 was not good because too many young human rights defenders and environmental activists had been arrested and charged.
“In 2021, the situation may not improve. We see that the government is still arresting activists who are trying to protect the public interest, like the recent arrest of environmental activists. This challenging outlook will remain as long as the government doesn’t see CSOs as their partners,” Sopheap said.

Chin Malin, vice-president of the CHRC, said the overall human rights situation in Cambodia was positive, especially considering the government’s effective response to Covid-19 and the country’s strong macroeconomic indicators.

He feels the main area of disagreement arises when it comes to questions of enforcing the law when it is broken by political activists.

“For the government, enforcing the laws against these activists is not about oppression. It is legal action to ensure the nation’s security, maintain public order and uphold the rule of law. The authorities have a strong legal basis for their conclusions that those [activists] have violated laws.

“For those who live abroad, they don’t care whether the authorities here enforce the law. What they care about is when the authorities enforce the law as it applies to the activities of the groups they support. Then they criticise the government and equate enforcing the law with political oppression,” Malin said.